

1 The material so retained is the Board's file and record of this
2 entire matter;

3 4. Waives all rights to a hearing, re-hearing,
4 appeal, or judicial review relating to the Findings of Fact and
5 Conclusions of Law and Order;

6 5. Agrees that the attached Findings of Fact and
7 Conclusions of Law and Order shall be conclusive evidence of a
8 violation of A.R.S. § 32-1854(19), and may be used for any
9 lawful purposes, relating to licensure, re-licensure, and/or the
10 determination of any sanctions in any future disciplinary
11 matters before any regulatory agency in the State of Arizona;

12 6. Understands counsel may be consulted prior to
13 entering into this Consent to Entry of Order and represents that
14 such consultation has been obtained;

15 7. Understands this Consent to Entry of Order and the
16 terms and provision hereof, and the effect of said terms and
17 provisions, and consents and agrees to be bound hereby,
18 specifically including by way illustration but not limitation,
19 the terms and conditions of the Order contained herein;

20 8. Agrees that this Consent to Entry of Order will be
21 effective upon its acceptance by the Board;

22 9. Agrees that the word "Respondent" as it appears in
23 this Consent of Entry of Order refers to Francis Whitlow, D.O.,
24 holder of license number 1569 for practice of osteopathic
25 medicine and surgery in the State of Arizona.

26

1 DATED this 8 day of January, 1989. 90 BV

2 Ralph Valitutti
3 Counsel for Respondent

4 Francis Whitlow, D.O.

5 Pursuant to the foregoing Consent to Entry of Order and
6 the records and files and admissions in this matter, and good
7 cause appearing, the Arizona Board of Osteopathic Examiners in
8 Medicine and Surgery enters the following Findings of Fact,
9 Conclusions of Law and Order:

10 FINDINGS OF FACTS

11 1. During a period from January 1987 to January 1988,
12 Francis Whitlow prescribed controlled substances and
13 prescription only drugs to patient J.J. in amounts and frequency
14 that cannot be justified based on the diagnosis set forth in the
15 records of J.J.

16 2. During a period from June 1986 through May 1988,
17 Francis Whitlow prescribed controlled substances and
18 prescription only drugs to patient C.R. in amounts and frequency
19 that cannot be justified based on the diagnosis set forth in the
20 records of C.R.

21 3. During a period of time from 1983 through March
22 1988, Francis Whitlow prescribed controlled substances and
23 prescription only drugs to patient S.M. in amounts and frequency
24 that cannot be justified based on the diagnosis set forth in the
25 records of S.M.

26 4. During a period of time from May 1979 to March
1988, Francis Whitlow prescribed controlled substances and

1 prescription only drugs to patient Z.B. in amounts and frequency
2 that cannot be justified based on the diagnosis set forth in the
3 records of Z.B.

4 5. During a period of time from November 1982 through
5 March 1988, Francis Whitlow prescribed controlled substances and
6 prescription only drugs to patient R.S. in amounts and frequency
7 that cannot be justified based on the diagnosis set forth in the
8 records of R.S.

9 6. The conduct alleged in paragraphs 1 through 5 of
10 the Findings of Fact constitute unprofessional conduct in
11 violation of A.R.S. § 32-1854(19).

12 CONCLUSIONS OF LAW

13 1. Francis Whitlow, D.O. is the holder of license
14 number 1569 for the practice of Medicine and Surgery in the
15 State of Arizona, issued by the Arizona Board of Osteopathic
16 Examiners in Medicine and Surgery.

17 2. The Arizona Board of Osteopathic Examiners in
18 Medicine and Surgery is the duly constituted authority for the
19 regulation and control of the practice of Osteopathic Medicine
20 and Surgery in the State of Arizona.

21 3. The Arizona Board of Osteopathic Examiners in
22 Medicine and Surgery has the authority to notice and conduct
23 hearings and discipline its licensees, A.R.S. § 32-1855, A.R.S.
24 § 32-1801, et seq. and A.R.S. § 41-1061 et seq.

25 4. The conduct alleged in paragraphs 1 through 5 of
26 the Findings of Fact represent violations of A.R.S.

1 § 32-1854(19) unprofessional conduct, conduct injurious to the
2 health of the patient or the public.

3 ORDER

4 THEREFORE IT IS HEREBY ORDERED, that license number
5 1569 issued to Dr. Francis Whitlow, D.O. be revoked. The
6 effective day of revocation shall be the date upon which this
7 Consent Order is accepted by the Arizona Board of Osteopathic
8 Examiners in Medicine and Surgery.

9 IT IS FURTHER ORDERED, that Respondent shall pay an
10 Administrative penalty to the Board of Osteopathic Examiners in
11 the instant case in the amount of \$500.00 (FIVE HUNDRED DOLLARS)
12 per count as set forth in the Statement of Facts, for a total of
13 \$2,500.00 (TWO THOUSAND, FIVE HUNDRED DOLLARS). Payment of the
14 Administrative Penalty is due in full no later than 30 days
15 after the date which this Consent and Order is accepted by the
16 Arizona Board of Osteopathic Examiners in Medicine and Surgery.

17 IT IS FURTHER ORDERED, that Respondent shall pay the
18 incurred expenses of the Board's investigation in the instant
19 case in the total amount of \$598.00 (FIVE HUNDRED, NINETY-EIGHT
20 DOLLARS). Payment of the incurred expenses is due in full no
21 later than 30 days after the date which this Consent and Order
22 is accepted by the Arizona Board of Osteopathic Examiners in
23 Medicine and Surgery.

1 ENTERED this 8th day of January 9⁰
2 ~~November~~, 1989.

3 THE ARIZONA BOARD OF OSTEOPATHIC
4 IN MEDICINE AND SURGERY

5 BY: Mary L. Tucke

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